Remarks

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1, 4-10, and 39-48 are pending. Claims 1, 7-9, 39-44, and 47 have been amended to more precisely describe embodiments of the invention. Claim 48 has been added and is supported by the specification, for example, at paragraph 38. Claim 1 is independent. No new matter has been added.

In the Office action dated September 15, 2004, claims 1, 7-10, and 39-47 were rejected under 35 U.S.C. § 103 as being unpatentable over McCarty et al. (U.S. Pat. No. 5,946,660) and Joao (U.S. Pat. No. 6,347,302) in view of Denny et al. (U.S. Pat. No. 5,724,261). Claims 4, 5, and 6 were also rejected under 35 U.S.C. § 103 as being unpatentable over McCarty et al., Joao, and Denny et al. and in view of "Official notice." The Applicant respectfully disagrees with the Office's position and submits that the subject matter of the pending claims is not taught or suggested by any of these references.

A. Embodiments of Applicant's Invention

The Applicant developed a method and system for renting a self-storage unit that, though based on technological underpinnings, shields users from having to directly interact with technology. For example, as described in the specification, "[t]he system eliminates the need for a customer to read a computer menu, read instructions, or push correct buttons, thus allowing easy use of the rental system by a non-technically trained customer who is relatively unskilled in computer operation." (Para. 40; emphasis added.) Moreover, "[b]y automatically establishing interactive communication with a remote system manager, a customer need only to respond to questions and directions received [from] the remote manager that do not require special knowledge or skills on the part of the customer." (Id.; emphasis added.)

It can be appreciated that embodiments of the Applicant's invention benefit a large segment of the consumer population that is (1) uncomfortable or unfamiliar with computers and related devices, or (2) lacks the mental or physical dexterity to "read a computer menu, read instructions, or push correct buttons." For instance, elderly or disabled persons can benefit from the Applicant's method, which does not require that the customer interface with technology, such as magnetic card readers, or that the customer otherwise proactively initiate steps in the rental process. Instead, a remote manager—a human being who can view the

customer service area and speak with a customer during a transaction—can instruct the customer which actions to take.

Other embodiments of the Applicant's invention provide other benefits. For instance, the Applicant's provision of a cabinet access controller (see claim 41) can eliminate the need for customers to have cash on hand and reduces the likelihood of burglary due to cash on the premises. Additionally, the use of an access controller (see claim 1) can eliminate a need for a customer to manipulate a heavy padlock in order to access a unit, which may be helpful to those with limited physical abilities and prevents injuries associated with manipulating such a lock. Further, the use of camera(s) can enable the human remote manager to confirm the identity of a customer by referring to a customer-photo bearing identification card supplied by the customer.

As described below, the Applicant's approach is a marked departure from the approaches taken by the references of record, in which customers must interface with technology in order to consummate a transaction.

B. Independent Claim 1

Independent claim 1 recites, among other things:

> providing a customer service area including a customer service counter, the customer service counter having a rental agreement viewing area which is viewed by at least one camera positioned in the customer service area, the customer service counter being configured to minimize glare in images captured by the at least one camera, at least one image captured by the at least one camera being viewable by a remote manager, the remote manager being a person who is remote from the customer service counter, the customer service area being independent of a computer-generated customer menu interface and manipulable customer input buttons;
>
> ...
>
> providing an access controller by which the remote manager can remotely provide the customer access to the recommended self-storage unit so the customer can inspect the recommended self-storage unit; and
>
> providing the customer a hardcopy rental agreement form having at least a portion to be filled out manually with inserted data by the customer, as directed by the remote manager,
>
> at least some of the inserted data being verifiable by the remote manager with the output of the at least one camera, at least one image

captured by the at least one camera allowing the remote manager to view an image of the hardcopy rental agreement placed on the rental agreement viewing area.

(Emphasis added.)

The Applicant respectfully traverses the rejections under 35 U.S.C. § 103 because none of the references, taken alone or in combination, teaches or suggests all the limitations recited in the rejected claims. Moreover, there is no motivation to modify the references as proposed by the Examiner.

1. The Cited References Do Not Teach or Suggest All the Features of Independent Claim 1

a. McCarty

In particular, McCarty does not teach or suggest, among other things, the above-underscored limitations of claim 1. McCarty discloses a fully-automated interactive kiosk used to rent storage space "without the need for an attendant" (see Abstract; col. 1, lines 15-16; col. 2, lines 22-24; col. 3, line 43) and in communication with a computerized command center 12 (see col. 2, lines 21-35). The McCarty system requires the customer to interface with various computer-based devices, including a screen display 28 (which may be a touch screen display), an electronic input template and electronic pen, and a keypad 44. (Col. 5, lines 3-56.) A processor 26 displays information regarding available storage units. The user is then prompted to select a storage unit, input personal information, and select from payment methods. A user provides a signature, with an electronic pen assembly 30, for a computer-generated electronic custom rental agreement. A hard copy of the fully executed rental agreement is then printed. (Col. 7, line 66 to col. 8, line 34.) The user is given a code or key to enter the storage facility. (Col. 8, lines 41-45.) A camera 32 captures surveillance images and/or electronically stores images of various important documents. (Col. 6, lines 4-11.) If the customer needs further assistance when interfacing with the computer-based devices, the customer can call a 24-hour customer service line to speak with a customer service representative. (Col. 6, lines 56-61.)

Unlike the claimed invention, McCarty does not disclose "at least one image captured by the at least one camera being viewable by a remote manager, the remote manager being a person who is remote from the customer service counter." On the contrary, in McCarty,

surveillance images are taken, but there is no teaching or suggestion that a remote manager who "is a person" views the images during the transaction. McCarty describes the availability of a customer service representative by phone, but is devoid of any teaching or suggestion that the representative can do anything more than listen to and answer a customer's questions. Moreover, McCarty is devoid of any teaching or suggestion that the computerized command center 12 includes a human remote manager who can view images at the storage facility.

Similarly, McCarty does not disclose "the customer service area being independent of a computer-generated customer menu interface and manipulable customer input buttons." In direct contrast to the claimed invention, the McCarty system is based on computer-generated customer menu interfaces and manipulable customer input buttons, including the screen display 28, electronic input template and electronic pen, and keypad 44.

Further, McCarty does not disclose "providing an access controller by which the remote manager can remotely provide the customer access to the recommended self-storage unit so the customer can inspect the recommended self-storage unit." In McCarty, the user is merely given a code or key to enter the storage facility. There is no human remote manager, and no access controller by which a person can remotely provide a customer with access to a self-storage unit.

The McCarty system also does not disclose "providing the customer a hardcopy rental agreement form having at least a portion to be filled out manually with inserted data by the customer, as directed by the remote manager." To the contrary, as described above, a rental agreement in McCarty is printed after it is fully executed based on customer inputs and the customer's electronically acquired signature. As such, the McCarty printout is a complete agreement, with no portions to be filled out manually as directed by a human remote manager.

Additionally, McCarty does not disclose "at least some of the inserted data being verifiable by the remote manager with the output of the at least one camera, at least one image captured by the at least one camera allowing the remote manager to view an image of the hardcopy rental agreement placed on the rental agreement viewing area." As noted above, there is no human remote manager in McCarty who views images. More fundamentally, because generation and printing of a fully-executed contract is controlled by a

computer, there would be no need in McCarty for a subsequent visual verification of the printed data.

Further, McCarty does not disclose "the customer service counter being configured to minimize glare in images captured by the at least one camera." In particular, there is no teaching or suggestion whatsoever that the kiosk 22 or its surroundings are configured as recited by the Applicant.

Moreover, McCarty clearly teaches away from the claimed invention. McCarty discloses a system which depends on a user interfacing with various computer-based devices. In particular, McCarty provides a system that is "fully automated so as to eliminate the need for an on-duty attendant." (See col. 4, lines 22-24.) The claimed invention, in contrast, provides a setting for a transaction that is "independent of a computer-generated customer menu interface and manipulable customer input buttons."

b. Joao and Denny

Joao and Denny fail to remedy the deficiencies of McCarty with respect to claim 1. In particular, Joao and Denny fail to teach or suggest, among other things:

> ... the customer service counter being configured to minimize glare in images captured by the at least one camera, at least one image captured by the at least one camera being viewable by a remote manager, the remote manager being a person who is remote from the customer service counter, the customer service area being independent of a computer-generated customer menu interface and manipulable customer input buttons;
>
> providing an access controller by which the remote manager can remotely provide the customer access to the recommended self-storage unit so the customer can inspect the recommended self-storage unit; and
>
> providing the customer a hardcopy rental agreement form having at least a portion to be filled out manually with inserted data by the customer, as directed by the remote manager,
>
> at least some of the inserted data being verifiable by the remote manager with the output of the at least one camera, at least one image captured by the at least one camera allowing the remote manager to view an image of the hardcopy rental agreement placed on the rental agreement viewing area.

Joao discloses a fully-automated apparatus for providing an insurance contract to a person renting or leasing property. Information regarding the renter and the rental property is

inputted into a computer system, which has a display device 5, via user input device(s) 4, such as a keyboard, scanner, and/or user pointing device. (Fig. 1; col. 5, lines 49-58.) The computer (CPU 1) uses this information as well as actuarial data to determine whether an insurance policy should be issued and the level of premium. (Abstract; Fig. 2A; claim 1.)

Thus, Joao fails to teach or suggest, among other things, a remote human manager who is "a person," as well as the other limitations of claim 1 set forth above. Moreover, Joao teaches away from the claimed invention. In particular, Joao is a fully-automated system that provides an insurance quote based upon certain parameters inputted into the device. The system requires user interaction with computer-based devices, including the display device, keyboard, scanner, and/or user pointing device. As noted above, the claimed invention, in contrast, provides a setting for a transaction that is "independent of a computer-generated customer menu interface and manipulable customer input buttons."

Denny discloses a property inspection system that, via a computerized controller, systematically prompts an employee of a property management company to inspect a rented property and input condition information into a data entry device 10. The employee is physically on the premises when inspecting the property. In one embodiment, the employee uses a hand held bar code reader to scan certain items within the rental property. The hand held device, which includes data entry means 16 (e.g., a keypad), a microprocessor, and a display screen 20, then prompts the inspector to input condition information. (Abstract; col. 2, lines 47-66; col. 7, line 36 to col. 8, line 9.)

Thus, Denny fails to teach or suggest, among other things, a remote human manager who is "a person," as well as the other limitations of claim 1 set forth above, including "providing an access controller by which the remote manager can remotely provide the customer access to the recommended self-storage unit." In Denny, the employee performing the inspection is on the premises to be inspected, receiving no direction from a remote manager of any kind. Moreover, the employee in Denny must manipulate and follow prompts of the computerized data entry device 10, which includes the data entry means 16, microprocessor, and display screen 20. As such, Denny teaches away from the claimed invention, which provides a setting for a transaction that is "independent of a computer-generated customer menu interface and manipulable customer input buttons."

2. There Is No Motivation to Modify McCarty As Proposed by the Examiner

A proposed modification to a prior art reference cannot render the prior art invention unsatisfactory for its intended purpose or change the principle of operation of the prior art invention. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959), MPEP § 2143.01. If the proposed modification destroys the intended purpose or principle of operation of the prior art reference, then there is no suggestion or motivation to make the proposed modification and the teachings of the references are not sufficient to render the claims obvious. Id.

As explained above, McCarty is based fundamentally on an approach in which a customer interacts with a computer in order to rent a storage unit. In particular, McCarty's device is specifically designed to eliminate the need for an attendant in a rental transaction. To modify McCarty, as suggested by the Examiner, would destroy the intended purpose of McCarty and change the principles of operation of McCarty. Among other things, there would be a need for an attendant, hardware to allow the attendant to view images during the transaction, and an access controller for use by the attendant; none of the computer-based customer devices of McCarty would be used by the customer during the rental process; and there would be no need for hardware and software to generate a fully executed rental agreement.

As such, there is no motivation to modify McCarty, and McCarty cannot render the claimed invention obvious.

For at least the above reasons, independent claim 1 is not obvious over McCarty and Joao in view of Denny, and the rejection under 35 U.S.C. § 103 should be withdrawn.

C. Dependent Claims 4-10 and 39-48

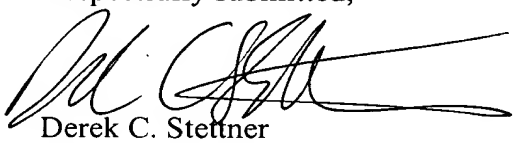
Claims 4-10 and 39-48 depend from claim 1 and are, therefore, also allowable for at least the same reasons as claim 1, and also because they contain additional patentable subject matter, which for the sake of brevity is not discussed. With respect to claims 4-6, the Applicant notes that, even if accepted as valid (which the Applicant does not accept), the Official Notice taken by the Examiner would not remedy the above-noted deficiencies of

McCarty, Joao, and Denny. The Applicant respectfully requests that the Examiner provide at least one reference in support of the Examiner's indication of Official Notice.

Conclusion

All rejections having been addressed, the Applicant submits that the present claims are in condition for allowance. The Applicant kindly requests that the Examiner call the attorneys of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,



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